

SACRAMENTO SUPERIOR COURT
LIMITED CIVIL PROGRAM DESCRIPTION
EFFECTIVE (1/1/14)

The following process rules and requirements apply to all active limited civil cases pending as of 1/1/2014.

Pursuant to Local Rule 2.21 limited civil cases are excluded from the Court's Civil Case Management program. It is the Court's expectation that parties will adhere to all timelines pursuant to established Statute, Codes and Rules. However, the Court will not actively monitor limited civil case timelines.

Local Rules relating to the Civil Case Management program (*Chapter 2-Part Four-Case Management Program (CMP)*) are not applicable to limited civil cases.

Law and Motion matters on limited civil cases shall adhere to and proceed pursuant to *Local Rule Chapter 2, Part Three-Civil Law and Motion*.

Case management conferences will not be held in Limited Civil Cases. Case Management Statements will not be accepted for filing.

The court does not require any case status information until such time as the parties deem the case to be at issue. In addition, the following documents/forms will NOT be accepted for filing on limited civil cases:

- Case Management Statements (Judicial Council Form CM-110)
- Designation Statements (CV\E-113)
- Motions to Redesignate
- Motions for Relief from Project Rules
- Attorney's Compliance Statements
- Certification for Short Cause Matters (CV\E-131)
- Default Judgment Status Statements (CV\E-148)
- Stipulation and Order to Mediation – Unlimited Civil (CV\E-MED-179)
- Mediation Statement (CV\E-MED-172)
- Uninsured Motorist Statement (CV\E-132)

Limited Civil Pretrial Calendar

A Limited Civil Pretrial Calendar is available for any non-law and motion matters which require court intervention see Limited Civil Case Program Rules, LC-A – Limited Civil Pretrial Calendar below. Examples of matters heard on the Limited Civil Pretrial Calendar include the following:

- Limited Civil Case Status Memorandums/Counters
- All non-Law and Motion Ex Parte Applications
- All non-Law and Motion Stipulations
- Motion to Extend time to Answer/Respond
- Motion to Extend/Advance Trial Setting Process
- Motion for Reclassification
- Motion to Continue Trial/Vacate Trial Date

Limited Civil Case Status Memorandum

When all parties have answered and/or been dismissed AND the relevant documents have been processed by the Court, the case is at-issue, and a Limited Civil Case Status Memorandum (CV\E-202) shall be filed with the Court. Opposing counsel has 20 days to file a Limited Civil Case Status Memorandum (CV\E-202) indicating any objections. Opposing counsel shall mark the box "Counter Case Status Memorandum" on the form. Limited Civil Case Status Memorandums shall be served on all parties or their counsel of record unless otherwise directed by the court. The Court may set a hearing in the Limited Civil Pretrial department to determine disputed matters.

Alternative Dispute Resolution

A limited civil case shall participate in alternative dispute resolution by one of the following:

- When plaintiff elects to refer the case to judicial arbitration. A written election by the plaintiff to submit an action or proceeding to arbitration shall be filed using the Court's local form, Limited Civil Case Status Memorandum (CV\E-202).
- All parties stipulate to arbitration or mediation. A stipulation for arbitration/mediation shall be filed using the Court's local form, Stipulation and Order to Arbitration/Mediation Limited Civil Cases (CV\E-203). This form MUST be filed with or subsequent to a Limited Civil Case Status Memorandum.
- Parties may select and conduct voluntary private mediation without notification to the Court.

Trial Setting

All trials on limited civil cases shall be set pursuant to the filing of a Limited Civil Case Status Memorandum. Short cause civil cases will be set for trial in Department 47 at 8:30 a.m. on Fridays. All long-cause limited civil cases will be referred to the Court's Trial Setting Process (See Rules LC-C below).

SACRAMENTO SUPERIOR COURT
LIMITED CIVIL CASE PROGRAM RULES (LC)

LC-A LIMITED CIVIL PRETRIAL CALENDAR

(1) All pretrial matters on limited civil cases excluding those heard in the law and motion, minors compromise and fee waiver departments will be heard in Department 13, the Honorable Kevin R. Culhane presiding. Matters requiring a hearing will be heard on the Limited Civil Pretrial Calendar on Fridays at 9:00 a.m. Tentative Rulings shall not be utilized for the Limited Civil Pretrial Calendar.

(2) *Ex Parte Applications*

(a) All ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders on limited civil cases shall be set and heard in the Limited Civil Pretrial department, by appointment only, with at least 24 hours notice to the opposing party or counsel. Ex Parte Applications and supporting documents shall be filed and paid for at the court's public counter and endorsed copies shall be brought to the department at the time of the appointment. Such applications must include a written supporting declaration, stating whether opposing party is represented by counsel, whether that party has been contacted and has agreed to the requested order, or why the order should be issued without such notice. The adequacy of the application for temporary relief will be determined on the papers submitted. If the application is deemed adequate, the court may allow supplemental argument, either oral or written, by either party.

(b) Except by order of the court, upon a showing of good cause, all ex parte applications presented to the court seeking to set a matter on shortened time must provide for opposition papers to be filed and served five (5) court days and reply papers to be filed and served two (2) court days prior to the hearing date. The court, in its discretion, may order a shorter time or that there be no reply; but in no event shall the last paper be filed later than 9:00 a.m. two (2) court days before the hearing. The moving papers must be accompanied by a copy of the order and all papers, including subsequent papers filed in the matter, must indicate on the caption page that the matter was brought on an order shortening time with specific identification of the date of the order and name of the Judge.

LC-B ALTERNATIVE DISPUTE RESOLUTION

(1) Attorneys shall provide their clients with a copy of the Sacramento County Superior Court ADR Information Package at the earliest available opportunity. The ADR information package may be obtained on the Court's website at <http://www.saccourt.ca.gov>. Plaintiffs and cross complainants shall serve a copy of the Sacramento County Superior Court ADR Information Package on each defendant or cross-defendant at the time the complaint or cross-complaint is served as required by California Rules of Court, rule 3.221.

(2) Arbitration shall occur in a limited civil case under the following circumstances:

(a) When all parties stipulate to arbitration pursuant to Code of Civil Procedure section 1141.12. A stipulation for arbitration shall be filed using the Court's local form, Stipulation and Order to Arbitration/Mediation – Limited Civil Cases (CV\E-203). A Stipulation and Order to Arbitration/Mediation – Limited Civil Cases MUST be filed concurrently or subsequent to a Limited Civil Case Status Memorandum.

(b) When plaintiff elects to refer the case to judicial arbitration (pursuant to California Rule of Court 3.811). A written election by the plaintiff to submit an action or proceeding to arbitration shall be filed using the Court's local form, Limited Civil Case Status Memorandum (CV\E-202).

(3) All counsel (including self-represented parties) shall confer and agree upon the names of three (3) Arbitrators. Parties shall notify the court of the selection of Arbitrators in preference order no later than thirty (30) days from the effective date of the order to Arbitration. Selections shall be made by completing the submission form located on the court's website at <http://www.saccourt.ca.gov/civil/arbitration-selection.aspx>. If the parties fail to select and submit the names of the Arbitrators, an Arbitrator will be appointed by the court. Once the court appoints the Arbitrator, the court will mail a Notice of Appointment of Arbitrator to all parties.

(4) Objections to arbitration in a limited civil case shall be submitted by using the Court's local form, Limited Civil Case Status Memorandum (CV\E-202). Opposing counsel has 20 days from the filing of the Limited Civil Case Status Memorandum to file a counter Memorandum outlining the objection to arbitration. Any hearings will be conducted on the Limited Civil Pretrial Calendar.

5) Upon the arbitrator filing an award, the Court shall proceed in accordance with California Rules of Court, rule 3.825.

6) Notice to vacate a judgment based upon an arbitration award shall be governed by California Rules of Court, rule 3.825.

7) A request for trial after an arbitration award shall be filed with the Court. The trial shall be governed by California Rules of Court, Rule, 3.826.

8) If a case that has been scheduled for judicial arbitration settles, plaintiff must immediately file a written notice of settlement or other disposition with the Court and serve a copy on the ADR provider involved in the case.

9) For the willful failure to meaningfully participate in arbitration proceedings the Limited Civil Pretrial Judge, on noticed motion, may impose sanctions; including arbitrator's fees, attorney's fees and costs.

(A) The following may be considered failures to meaningfully participate in arbitration:

- (i) Non-appearance, at the time set for hearing, of any person necessary to proceed to a meaningful conclusion. (Phone calls to the arbitrator at the time set for hearing will not be deemed an appearance.)
- (ii) Failure to offer any evidence or rebuttal.
- (iii) Submission of a motion to continue the arbitration hearing less than five days before the scheduled date, except upon a showing of good cause.
- (iv) Failure to complete arbitration within the time fixed therefore.

(10) In the event of such failure to meaningfully participate, the arbitrator may present a declaration to the court requesting sanctions against the offending party or attorney. The declaration shall be lodged with the Arbitration Administrator, and an order to show cause shall be issued and set for hearing.

(11) Parties may select and conduct voluntary private mediation without notification to the Court.

(12) Parties may stipulate to court mediation by filing a Stipulation and Order to Arbitration/Mediation – Limited Civil Cases (CV\E-203) at any time after the filing of the Limited Civil Case Status Memorandum (Form CV\E-202). This form is located on the court’s website at <http://www.saccourt.ca.gov>. A Stipulation and Order to Arbitration/Mediation – Limited Civil Cases MUST be filed concurrently or subsequent to a Limited Civil Case Status Memorandum.

(13) The cost of private mediation shall be borne by the parties equally unless the parties agree otherwise. Parties will be charged an amount as set by the mediator.

(14) For cases ordered into the Court mediation program, Mediators on the court’s approved panel have agreed to provide the first three (3) hours of mediation at no charge to the parties or to the court. In the event the mediation extends beyond three (3) hours and the parties determine that it would be beneficial to continue the mediation process, the parties shall be responsible for compensating the mediator in an amount established by the mediator.

(15) If the original mediator should resign, die, withdraw, be disqualified, refuse or be unable to perform the duties of a mediator, the parties shall within five (5) days after receiving notice of such event inform the Arbitration/Mediation Clerk. An alternate mediator will then be substituted in the original mediator’s place.

(16) The parties shall personally appear at all mediation sessions unless excused by the mediator. When the party is other than a natural person, that party shall appear by a representative with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or legislative body, by a representative with authority to recommend such an agreement. Each party shall have counsel present at all mediation sessions unless excused by the mediator. An insurance representative of a covered party shall also be present unless excused by the mediator.

(17) Not less than 10 days prior to a scheduled mediation, each party shall lodge an original and one copy of the Mediation Program Statement with the mediator and serve all other parties. The Mediation Program Statement shall comply with the format for Mandatory Settlement Conference Statements set forth in the Court’s Local Rules, Appendix C. The statement and supporting material must be sufficiently detailed to enable the mediator to facilitate meaningful negotiations. Counsel shall certify good faith belief in the accuracy of the information provided and shall certify knowledge of the requirements of these rules. The Mediation Program Statement shall not be included in the court’s file.

(18) In personal injury actions, counsel for each party claiming damages shall bring pertinent medical reports and records to the mediation. The Mediation Program Statement shall include a current statement of all economic damages claimed and counsel shall have corroborating evidence at the mediation for examination by the mediator. Opposing counsel shall have all reports and records of physicians employed by them, their insurance carrier or principal for consideration by the mediator.

(19) Counsel shall be prepared to submit all documents pertinent to resolution of the case for examination by the Mediator, including without limitation, medical reports and records, depositions (with relevant pages pre-marked), photographs, books, records, diagrams, maps, bills, contracts, and memoranda.

(20) During the period that a matter has been referred to mediation, the parties and counsel are encouraged to work cooperatively with the mediator and each other to obtain, exchange, and analyze the information needed to resolve the matter. The parties are urged to exercise restraint with respect to pursuing adversarial forms of discovery and technical analysis that relies primarily on the use of opposing experts. In an appropriate case, a protective order pursuant to Code of Civil Procedure section 2017.020(a) and related provisions may be issued by the court.

(21) If the plaintiff or other party seeking affirmative relief does not notify the mediator of the settlement of the case at least 2 days before a scheduled hearing or session, that party will be required to compensate the mediator. The amount of compensation will not exceed the maximum amount of compensation the mediator would have been entitled to receive for their services as a mediator.

(22) Court mediations must adhere to the confidentiality provisions of California Evidence Code Sections 1115-1128. Except as otherwise provided by law or these rules, court staff, the mediator, all parties, all attorneys, and any other people facilitating or participating in the mediation process must treat all written and oral communications made during mediation, as confidential.

LC-C TRIAL SETTING

(1) All trials on limited civil cases shall be set pursuant to the filing of a Limited Civil Case Status Memorandum (Form CV\E-202).

(a) Short Cause Trials (five hours or less)

Short cause civil cases will be set for trial in Department 47 at 8:30 a.m. on Fridays.

(b) Long Cause Trials

All long cause limited civil cases will be referred to the Court's Trial Setting Process. Within 60 calendar days of the date of the referral to the Trial Setting Process or the filing of a request for trial de novo after arbitration, the parties must confer and agree on at least three trial dates and three settlement conference dates. Plaintiff's Counsel will utilize the on-line submission form located at www.saccourt.ca.gov for this process. Once the dates are submitted, the Court will select a settlement conference date and a trial date and will notify plaintiff's counsel via email. Plaintiff's counsel will serve on all parties and file a Notice of Time and Date

of Trial and Mandatory Settlement Conference. Available trial and settlement conference dates are provided on the court's website at <http://www.saccourt.ca.gov> and will be updated daily.

(2) If the parties cannot agree or fail to select dates within the time specified, the court will select a trial date and a mandatory settlement conference date and serve notice on the parties.

(3) All long cause limited civil matters shall be included in the Mandatory Settlement Conference Program. However, any party who has participated in mediation may submit a declaration to the Supervising Settlement Judge requesting that the party's case be exempted from the Mandatory Settlement Conference Program. The declaration shall state the grounds for the exemption. The Supervising Settlement Judge will then decide whether the matter shall be exempt. The declaration shall be submitted to the Supervising Settlement Judge at least 20 days prior to the scheduled Mandatory Settlement Conference. The declaration form can be found on the court's website located at <http://www.saccourt.ca.gov>.

(4) No referral to the trial setting process or trial date may be dropped, extended or continued by stipulation of the parties.

(5) Whenever a case assigned a trial date settles, the parties shall immediately notify the court. The plaintiff has the primary obligation to notify the court. Notification must be made by a letter of confirmation or the filing of a Notice of Settlement. When written confirmation is received, the court will vacate the trial date and drop the action from the civil active list.

(6) All counsel shall notify the court by 1:30 p.m. on the Thursday before a jury trial date of their readiness to begin trial. Such notification shall be done electronically by accessing the "Civil Trial Readiness Notification" link on the Sacramento Superior Court's website at <http://www.saccourt.ca.gov/civil>. Instructions for accessing the program are available on the court's website. Upon accessing the website all counsel shall provide information as to the status of the case.